

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10700 of 2013

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Nageshwar Prasad Singh Son Of Late Giro Rai Resident of Village - Itarhi,
P.S. - Ram Nagar, District - Munger

... .. Petitioner

Versus

1. The Union of India through Director General, Railway Protection Force,
New Delhi.
2. The Chief Security Commissioner/Rail Protection Force, E.C. Railway,
Hajipur
3. The Divisional Security Commissioner, Rail Police Force, Danapur

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Dhananjay Kumar, Advocate
For the Respondent-Railways	:	Mr.Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 05-11-2019

Heard Mr. Dhananjay Kumar, learned counsel
for the petitioner and Mr. Kumar Priya Ranjan,
learned counsel for the Respondent-Railways.

2.The petitioner was serving as a 'Constable'
in the Railway Protection Force. (for brevity
"R.P.F."). He has been visited with punishment of
removal from service on 18.03.1994 by the
Divisional Security Commissioner of the Force at
Danapur. The order has been issued after an
Enquiry. The petitioner had been intermittently
appearing in the proceedings before the Enquiry
Officer. The petitioner was facing charges of



absence from the Force and submitted a defence that he was undergoing treatment at Ranchi Mental Hospital at Kanke, Ranchi. The sheet-anchor of the petitioner's defence is a certificate said to be issued from the said Institute on 29.04.1993. The same certifies the petitioner's treatment from 01.08.1992 to 29.04.1993. The defence of the petitioner has not been accepted by the Authorities since it is their specific case that petitioner was undergoing treatment at the Railway Hospital upto 02.08.1992.

3. Specific averments to this effect made in the counter affidavit filed by the Respondent-Authorities, has not been disputed/controverted by the petitioner by filing any rejoinder. Since the petitioner absence has been held to be without prior intimation to his Controlling Authority and without sufficient cause, the petitioner's absence/overstay without reasonable cause has been made the basis of his removal from service.

4. The order of removal was assailed before the Appellate Authority. The Appeal of the



petitioner has been rejected on 18.9.1995 by the Divisional Chief Security Commissioner of the Force at Calcutta.

5.The sheet-anchor of the petitioner's defence in view of the uncontroverted position appearing from the record, has rightly not been relied upon by the Authorities. It is further observed that the order of removal which has been passed on 18.03.1994 as well as order of the Appellate Authority dated 18.09.1995 have been assailed by the petitioner by filing the instant writ proceedings in the year 2013.

6. The delay of more than eight (08) years is also a relevant factor which, this Court must bear in mind while exercising the discretionary writ jurisdiction in favour of the petitioner.

7. There is no averments made in the writ petition as to why the petitioner has approached this Court after such a long lapse of time. Clearly, the claim of the petitioner suffers from delay and laches.

8. Apart from that, this Court would also



observe from bare perusal of the order(s) that the Authorities have proceeded in accordance with law after affording due opportunity to the petitioner. There is no procedural infirmities leading to issuance of order of punishment. No grounds are made out for interfering with the order of the Authorities by asserting any procedural lapses.

9. The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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